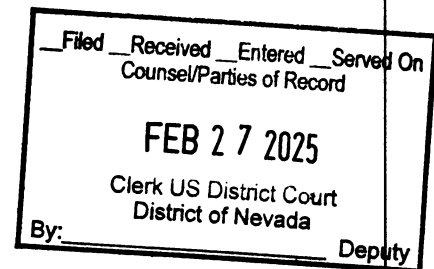


Motion for Judicial Notice of Video Evidence

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

**DREW J. RIBAR,
Plaintiff, Pro Se,
v.
WASHOE COUNTY, et al.,
Defendants.**

Case No.: 3:24-cv-00526-ART-CSD



PLAINTIFF'S MOTION FOR JUDICIAL NOTICE OF VIDEO EVIDENCE

TO: The Honorable Court and All Counsel of Record

Plaintiff **Drew J. Ribar**, appearing *pro se*, respectfully moves this Court to **take judicial notice of video evidence** filed as **Exhibit A (USB Memory Stick)**, submitted in connection with Plaintiff's **Motion to Lift Stay on Discovery Against Defendant Build Our Center, Inc. ("BOC")**. This request is made pursuant to **Federal Rule of Evidence 201**, which permits courts to take judicial notice of facts that **can be accurately and readily determined from sources whose accuracy cannot reasonably be questioned**.

I. INTRODUCTION

Plaintiff has filed a **video recording dated July 15, 2023**, as **Exhibit A**, which documents the **interaction between Plaintiff, Build Our Center (BOC) volunteers, and Washoe County Library staff** at a public event. This video is **directly relevant** to Plaintiff's claims and **demonstrates BOC's active involvement in restricting public access to a government**

PLEADING TITLE - 1

1 **facility and engaging in confrontational conduct that resulted in Plaintiff's removal from**
2 **the premises.**

3
4 This motion requests that the Court **review the video evidence when considering BOC's**
5 **pending Motion to Dismiss and the Motion to Lift Stay on Discovery.**
6
7

8 9 **II. LEGAL STANDARD**

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11 Under **Federal Rule of Evidence 201(b)**, a court may take **judicial notice of a fact that is not**
12 **subject to reasonable dispute because it:**

- 13
14 1. **Is generally known within the court's territorial jurisdiction, or**
15 2. **Can be accurately and readily determined from sources whose accuracy cannot**
16 **reasonably be questioned.**
17

18 Courts routinely take judicial notice of **public records, video footage, and undisputed**
19 **evidence relevant to a case** (Daniels-Hall v. Nat'l Educ. Ass'n, 629 F.3d 992, 998-99 (9th Cir.
20 2010)). Judicial notice is particularly appropriate when the evidence is **central to the claims at**
21 **issue and provides direct proof of the disputed facts** (Khoja v. Orexigen Therapeutics, Inc.,
22 899 F.3d 988, 999 (9th Cir. 2018)).
23

24
25 In cases involving **public access, First Amendment claims, and government coordination**
26 **with private entities**, courts have taken judicial notice of **recorded events, video evidence, and**
27
28

1 **transcripts that establish factual context** (Cline v. City of Boulder, 2023 WL 3214940 (D.
2 Colo. 2023)).

5
6 **III. ARGUMENT**

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8 **A. The Video Evidence Is Highly Relevant to Plaintiff's Claims**

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10 The video evidence provides **direct visual documentation** of BOC's conduct and its
11 entwinement with Washoe County officials, establishing that:

- 12 1. **BOC volunteers were stationed inside a public library, actively regulating access to**
13 **public areas.**
- 14 2. **A BOC volunteer engaged in a confrontational act against Plaintiff, which led to**
15 **Plaintiff's removal.**
- 16 3. **BOC's actions directly impacted Plaintiff's ability to remain in a government-**
17 **controlled facility, demonstrating their involvement in policy enforcement.**
18
19

20 Since BOC disputes its role in Plaintiff's exclusion from the library event, the Court's **review of**
21 **the video is essential in determining whether BOC's involvement meets the legal standard**
22 **for state action under 42 U.S.C. § 1983.**
23

24
25
26 **B. The Court May Take Judicial Notice of Video Evidence Without Converting the Motion**
27 **to Dismiss Into Summary Judgment**
28

PLEADING TITLE - 3

1 Judicial notice is appropriate where **evidence is not subject to reasonable dispute** and its
2 authenticity is confirmed. Courts have accepted **publicly recorded video footage and internal**
3 **surveillance recordings as judicially noticeable evidence** when relevant to a party's claims
4 (Sanders v. Brown, 504 F.3d 903, 911 (9th Cir. 2007)).
5

6 Since the **video recording accurately reflects an event that occurred in a public facility and**
7 **involves key actors in this case, it is proper for the Court to take judicial notice of its**
8 **contents without converting the Motion to Dismiss into a Motion for Summary Judgment.**
9
10

11
12 **C. Judicial Notice Is Necessary to Ensure a Fair Review of the Facts**
13

14 BOC's **Motion to Dismiss argues that it had no governmental role and was not involved in**
15 **Plaintiff's removal.** However, the video evidence directly contradicts these assertions,
16 making it necessary for the Court to consider it **before ruling on BOC's dismissal request or**
17 **the Motion to Lift Stay on Discovery.**
18

19 The Court's **review of the video is crucial to determining whether BOC meets the nexus test**
20 **for state action,** as Plaintiff has alleged that:
21

- 22 • **BOC coordinated with Washoe County officials to regulate access to a public forum.**
- 23 • **BOC took an active role in security and enforcement decisions affecting public**
24 **access.**
- 25 • **Plaintiff's exclusion from the event was facilitated by BOC, demonstrating its**
26 **participation in government action.**
27
28

1 Judicial notice is warranted because **BOC cannot credibly dispute the authenticity of the**
2 **video, and its content is directly relevant to the legal issues at hand.**
3
4

5
6 **IV. CONCLUSION**
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8 For the foregoing reasons, Plaintiff respectfully requests that the Court take judicial notice of
9 the video evidence (Exhibit A – Memory Stick) in evaluating BOC’s Motion to Dismiss and
10 Plaintiff’s Motion to Lift Stay on Discovery.
11

12 **Respectfully submitted,**

13 **Dated:** February 27, 2025

14 /s/ **Drew J. Ribar**
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